

IN THE DISTRICT COURT IN AND FOR MCINTOSH COUNTY
STATE OF OKLAHOMA

VALERIE K. WATKINS, an
individual and VALERIE KAY
WATKINS as parent and next friend
of JONATHAN PORTER, a minor
child,

Plaintiffs,

vs.

RHEN M. RICHARD, an individual
and L & L MOTOR COMPANY, INC., a
foreign corporation,

Defendants.

FILED

OCT 22 2020

LISA RODEBUSH, Court Clerk
McINTOSH COUNTY

By _____ Deputy

Case No. CJ-2020- 85

PETITION

COME NOW the Plaintiffs, Valerie Watkins individually and Valerie Watkins as parent and next friend of Jonathan Porter, by and through undersigned counsel, and for her Petition, alleges and states as follows:

1. Plaintiffs are residents of McIntosh County, Oklahoma.
2. Upon information and belief, Defendant Rhen Michael Richard was a resident of Dushesne County Utah at the time of the collision which is the basis of this lawsuit.
3. Upon information and belief, Defendant L&L Motor Company, Inc., is a foreign corporation with its principle place of business Roosevelt, Utah.
4. The collision which is the basis of this lawsuit occurred in McIntosh County, Oklahoma.
5. Oklahoma has subject matter and personal jurisdiction over the parties and venue is proper in McIntosh County.

EXHIBIT

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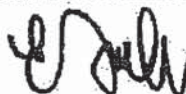
6. On March 6, 2019, Plaintiff Valerie Watkins and her son Jonathan Porter were traveling Westbound on State HWY 9 and attempting to turn left onto county road NS 4030 near the town of Hanna, Oklahoma when Defendant Rhen Richard crashed into the driver's side rear of Ms. Watkins's vehicle.
7. Plaintiff Valerie Watkins sustained severe injuries, was taken to the emergency room, and required surgery to repair injuries to her shoulder. Plaintiff suffered further injury and damages by being in the zone of danger and witnessing her son Jonathan Porter being injured due to Defendant's negligence, gross negligence, and reckless disregard for the rights of others and public safety.
8. The collision described in paragraph number 6 of this Petition was caused by the Defendant Rhen Richard's negligence, gross negligence, and reckless disregard for the rights of others and public safety, as he was driving recklessly, following too closely, talking on his cell phone, and attempting to overtake Plaintiff's vehicle in a no passing zone.
9. Defendant Rhen Richard pled guilty to following too closely in McIntosh County case number TR-2019-307 and is therefore precluded from denying liability for the collision described in paragraph 6 under the doctrine of collateral estoppel.
10. Upon information and belief, at the time of the collision Defendant Rhen Richard was acting within the course and scope of his employment by Defendant L&L Motor Company, Inc.
11. Upon information and belief, Defendant L&L Motor Company, Inc., negligently hired, trained, and supervised Defendant Rhen Richard, and negligently entrusted a motor vehicle to Defendant Rhen Richard.

12. As a result of both Defendant's negligence, gross negligence and recklessness, Plaintiff Jonathan Porter sustained bodily injuries, has suffered and will suffer pain of mind and body, and has incurred and will incur medical expenses, all in an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code, for which damages are claimed herein.
13. As a result of the both Defendant's negligence, gross negligence and recklessness, Plaintiff Valerie Watkins sustained bodily injuries, has suffered and will suffer pain of mind and body, was prevented from transacting her business, lost income, suffered impairment to earning capacity, has suffered and will suffer physical impairments, has incurred and will incur medical expenses, has been disabled, has been disfigured; and Plaintiff incurred certain expenses, including mileage and fuel expenses from traveling back and forth to numerous medical appointments, all in an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code for which damages are claimed herein.
14. Each Defendant's acts and omissions constitutes reckless disregard for the rights of others such that each Plaintiff claims punitive damages against both Defendants in an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code.

WHEREFORE, Plaintiff prays for judgment against the Defendants in an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code, and all other proper relief,

Respectfully Submitted,

Valerie Watkins



By:

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